

**MINISTRY OF JUSTICE**

**LAW ON COURT BUDGET**

**Skopje, July 2003**

## **LAW ON THE COURT BUDGET**

### **GENERAL PROVISIONS**

#### **Article 1**

This Law sets forth the procedure for the drafting, adoption, and enforcement of the Court Budget and the establishment and working of the Court Budget Council.

By means of the Court Budget is financed the judicial branch in the Republic of Macedonia.

#### **Article 2**

The Court Budget presents the annual estimate of the revenues and expenditures of the judicial branch determined by the Assembly of the Republic of Macedonia and intended for the financing of the judicial branch.

The Court Budget is a part of the Budget of the Republic of Macedonia as a separate part designated as "Judicial Branch."

### **REVENUES AND EXPENDITURES OF THE COURT BUDGET**

#### **Article 3**

The revenues of the Court Budget are funds allocated by the Budget of the Republic of Macedonia.

#### **Article 4**

A part of the funds designated as "Judicial Branch" within the Budget of the Republic of Macedonia is fixed in the total amount in compliance with the criteria set forth by the Court Budget Council, based on the fiscal policy and main

parameters for evaluated incomes and outcomes.

The funds from the "Judicial Branch" are allocated to the courts by the Court Budget Council.

While allocating the funds from section 2 of this Article, at least 2% shall be mandatory set aside for the professional training of judges, state employees, court police and other court employees.

#### Article 5

The expenditures of the Court Budget comprise the following:

1. Daily expenditures for:

- salaries and allowances for judges;
- salaries and allowances for the state employees, court police and other employees at the courts;
- merchandises and services for court's operations
- expenses incurred in proceedings;
- payment of other expenses incurred in daily operations of courts;
- professional training of judges, state employees, court police and other employees at the courts;

2. Capital investments for:

- purchasing of capital assets for courts;
- investment maintenance of the facilities and court equipment.

### **COURT BUDGET COUNCIL**

#### Article 6

A Court Budget Council is established for performance of work related to the court budget.

The Court Budget Council performs all the affairs set forth in this Law, Rulebook of the Court Budget Council and other acts.

## Article 7

The Court Budget Council consists of a president and eight members.  
The President of the Court Budget Council is the President of the Supreme Court of the Republic of Macedonia.

The members of the Court Budget Council are:

- President of the Republic Judicial Council;
- Minister of Justice;
- Presidents of the Appellate Court Skopje, Appellate Court Shtip, and Appellate Court Bitola; and
- Three presidents of trial courts by way of the order foreseen by the Law on Courts, by the system of rotation, two of them have to be presidents of the courts with brother jurisdiction, for a term of office of two years.

Representative from the Ministry of Finance participates in the Court Budget Council work, without the right to participate in the decision making process.

## Article 8

The Court Budget Council works in sessions. The sessions of the Court Budget Council are convened and chaired by the President of the Court Budget Council.  
The Court Budget Council makes decisions by the majority of the votes of the total number of members.

The head of the Administrative Office participates at the sessions of the Court Budget Council, without right to participate in the decision making process.

The President of the Court Budget Council represents a part of the funds earmarked for the "Judicial Branch" in the Budget of the Republic of Macedonia at the session of the Government when the Proposal for the Budget of the Republic of Macedonia is adopted and before all working bodies, and at the session of the Assembly when the Budget of the Republic of Macedonia is adopted.

## Article 9

The Court Budget Council has the following duties:

- set the criteria and methodology for the preparation of the Court Budget;
- determines the allocation of the funds from the Court Budget to all the courts and undertakes the measures for timely enforcement of the Court Budget;
- approves the funds for new employments in courts within the framework of the fixed court budget of the sum designated for payment of salaries;
- appoints the internal auditor;
- enacts the Rulebook of the Court Budget Council and other internal acts;
- prepares the annual report for enforcement of the Court Budget;
- redirection of appointed funds of the "Judicial Branch"; and
- carries out other duties foreseen with law.

## **ADMINISTRATIVE OFFICE**

## Article 10

The professional and administrative affairs of the Court Budget Council are carried out by the Administrative Office of the Court Budget Council.

The Administrative Office is set up as an internal organizational unit of the Supreme Court of the Republic of Macedonia.

## Article 11

The Administrative Office carries out the following matters:

- carries out the decisions of the Court Budget Council;
- elaborates the financial indicators connected to the demands of the courts and follows the material needs of the judiciary;
- prepares the Rulebook of Court Budget Council and other internal acts, as well as criteria and methodology for the preparation of the Court Budget and submits it to the Court Budget Council for adoption; and
- carries out other work entrusted from the Court Budget Council.

## **PREPARATION , ADOPTION, DISTRIBUTION AND ENFORCEMENT OF THE COURT BUDGET**

### **Article 12**

The preparation of the Court Budget is made on the basis of the fiscal policy and the main categories for the assessed revenues and expenditures and the budget circular determined by the Government of the Republic of Macedonia for the following budget year, and the internal criteria and methodology determined by the Court Budget Council.

### **Article 13**

The Court Budget Council prepares a circular memo that contains the main guidelines for the preparation of the financial plan of the courts and distributes it to the courts.

Section 1 of the Circular Memo of this Article contains the methodology for the preparation of the financial plan of the users (key parameters, procedure, and deadline for the preparation of the financial plans), as well as the indicative total expenditure for every user, within the frame of which should be prepared the assessment based on types and the necessary data enclosed to the Budget.

### **Article 14**

The courts submit the following data to the Court Budget Council by June 1 of the current year the latest:

- estimate of the expenditures for the fiscal year, according to the expense items and sub-items;
- estimate of the expenditures for the next two fiscal years according to the expenses items and sub-items;
- review of the necessary expenses for the employment requisite for the carrying out of the functions of the users;
- proposals that contain future obligations or multi-year expenditures that,

including the investment projects presented individually; and  
- expenses for every forthcoming year presented separately.

Aside from the data from paragraph 1 of this Article, the users submit an elaboration regarding the amount of the funds according to their positions.

#### Article 15

After it receives the data from Article 14 from this Law, the Court Budget Council prepares a Court Budget Proposal and together with the elaboration on the amounts of funds submits it to the Ministry of Finances.

The Minister of Finances together with the President of the Court Budget Council shall mandatory adjust the part of the funds "Court Budget" from the Budget Proposal of the Republic of Macedonia. If an agreement has not been reached, Ministry of Finance prepares and delivers report to the Government of the Republic of Macedonia.

#### Article 16

The President of the court is responsible for the enforcement of the court financial plan.

#### Article 17

The Court Budget Council follows the enforcement of the financial plan and if during the control it is determined that irregularities and abuses by the President of the Court have occurred in the process of enforcement of the financial plan, the Council informs the Supreme Court of the Republic of Macedonia, the Ministry of Justice, the Republic Judicial Council, the Ministry of Finance, and the State Bureau for Revision.

Internal auditing of the enforcement of the Court Budget is carried out by an internal auditor appointed by the Court Budget Council.

#### Article 18

Control of the enforcement of the Court Budget is performed in accordance to the provisions from the Law on Budgets.

Court Budget Council is obligated to submitting report for enforcement of the Court budget at least once a year to the Ministry of Finance, Government of the Republic of Macedonia and Assembly of the Republic of Macedonia .

#### Article 19

The provisions of the Law on Budgets shall apply to the Court Budget if not otherwise prescribed by this Law.

### **TRANSITIONAL AND FINAL PROVISIONS**

#### Article 20

The Court Budget Council shall be formed within a maximum of 30 days from the day this Law comes into force.

The Rulebook of the Court Budget Council and criteria and methodology for the preparation of the Court Budget shall be passed within 30 days from the day of establishment of the Court Budget Council.

#### Article 21

This Law shall come into force on the eight day from its publication in the "Official Gazette of the Republic of Macedonia," and its application shall start on January 1, 2004.